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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,573	12/07/2000	Julie Rae Kowald	169.1918	9630

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EXAMINER

KIBLER, VIRGINIA M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/730,573

Applicant(s)

KOWALD, JULIE RAE

Examiner

Virginia M Kibler

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive.

Summary of Applicant's Argument: Potts merely classifies images either containing or not containing a face. Other than classifying the image as being a "face" image, no further classification is obtained from this analysis. Potts determines the size of the located face with respect to the size of the image using the knowledge of a "camera range value", i.e., that distance between the camera and the actual target.

Sethi, entitled "a statistical approach to scene change detection," has a title unrelated to the object of the present invention. Sethi teaches that the knowledge of the distance between the camera and the target is essential for shot type classification (Page 4, para. 3), and thereby clearly teaches away from the present invention which performs shot type classification without the need for any distance or range measurement. Sethi does not perform any shot type determination.

Regarding claims 16 and 86, Potts, Sethi, and Murphy do not disclose any basis by which the position of an object is used to provide classification as to shot type.

Examiner's Response: As Applicant acknowledges (Page 4, para. 1), Potts determines a size of the located face with respect to a size of the image. Potts discloses classifying the image, i.e. "face" or "no face", based on the relative size of the face with respect to the image (Col. 10, lines 35-52). Applicant's argument that Potts' determination is performed with knowledge of a "camera range value", i.e., the distance between the camera and the actual target, is not

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supported by the claim language. The claim language does not exclude using the distance between the camera and the actual target.

Potts clearly discloses “determining a size of the located face with respect to a size of the image” (Col. 10, lines 7-52) as claimed. Potts further discloses classifying the digital image based on the relative size of the face with respect to the image (Col. 10, lines 35-52). Potts discloses classifying according to the presence of a face, not according to one of a number of shot types. However, Sethi is relied on for teaching classification according to one of a number of shot types.

Sethi is related to the present invention in that it teaches that it is known to classify images according to one of a number of shot types based on the relative size of the face with respect to the image (Page 4, para. 3). Applicant argues that since Sethi states that the knowledge of the distance between the camera and the target is essential for shot type classification, Sethi clearly teaches away from the present invention which performs shot type classification without the need for any distance or range measurement. However, this feature is not recited in the claim. As indicated above, the claim language does not exclude using the distance between the camera and the actual target.

Potts discloses classifying a digital image based on the relative size of the face with respect to the image (Col. 10, lines 35-52). Sethi teaches that shot type classification is based on the relative size of the face with respect to the image (Page 4, para. 3). The combined teachings of Potts and Sethi meet the claimed limitation of classifying a digital image according to one of a number of shot types based on the relative size of the face with respect to the image.

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Regarding claims 16 and 86, the Examiner interprets "position of the located face with respect to a frame of the image" as an area occupied by the located face with respect to a frame of the image, thereby a size of the located face with respect to a size of the image. Therefore, the foregoing comments apply to claims 16 and 86.

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Virginia Kibler can be reached on (703) 306-4072. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Virginia Kibler

Virginia Kibler
11/16/04

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri